

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Victor Manuel SOSA-Sanchez,

Defendant

Magistrate Clerk's Office
08 MAR 10 10 57 AM '08 639CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY:

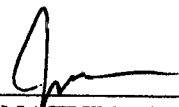
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Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 2, 2008**, within the Southern District of California, defendant, **Victor Manuel SOSA-Sanchez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF MARCH 2008.


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Victor Manuel SOSA-Sanchez****PROBABLE CAUSE STATEMENT**

On March 2, 2008, Border Patrol Agent J. Rodriguez was assigned to patrol duties near Dulzura, California. This area is located approximately 12 miles east of the Otay Mesa, California port of entry and approximately three miles north of the United States/Mexico International boundary. At approximately 5:45 p.m. a local citizen advised that two men were walking State Route 94 near the Dulzura Cafe. Agent Rodriguez responded to the Dulzura Cafe at 5:50 p.m. where he noticed the two individuals walking along S.R. 94.

Agent Rodriguez made contact with the two subjects and identified himself as a Border Patrol Agent. Agent Rodriguez questioned the two individuals as to their country of citizenship. Both individuals including one later identified as the defendant **Victor Manuel SOSA-Sanchez**, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States. Both subjects were arrested and transported to the Brown Field Border Patrol Station for processing at 5:50 p.m.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 21, 2008, through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.